

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT MICHAEL LINDBLAD,
Plaintiff,
v.
LUNNY, et al.,
Defendants.

Case No. [3:22-cv-04777-JD](#)

**ORDER TERMINATING PLAINTIFF'S
IN FORMA PAUPERIS STATUS**

In Robert Lindblad's pending appeal, the Ninth Circuit made a limited referral to this Court to determine whether a prior grant of in forma pauperis status should continue, or whether the appeal is frivolous or taken in bad faith. Dkt. No. 22.

"A party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis without further authorization, unless . . . the district court -- before or after the notice of appeal is filed -- certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding." Fed. R. App. P. 24(a)(3). "The good faith requirement is satisfied if the petitioner seeks review of any issue that is 'not frivolous.'" *Gardner v. Pogue*, 558 F.2d 548, 551 (9th Cir. 1977) (quoting *Coppedge v. United States*, 369 U.S. 438, 445 (1962)).

The Court adopted the magistrate judge's report and recommendation of dismissal without leave to amend because Lindblad's claims were frivolous. Dkt. No. 13. The Court's independent review indicated, as the magistrate judge stated, that "Lindblad's allegations are implausible and delusional," and that the complaint consisted of "random assertions without putting Defendants on fair notice of what [he] is claiming against them." Dkt. No. 10 at 4-5. Phrased more formally, the complaint lacked even an arguable grounding in fact or law.

1 Consequently, the Court concludes that the appeal is not taken in good faith and terminates
2 Lindblad's in forma pauperis status. The Clerk is requested to forward this order to the Ninth
3 Circuit in Case No. 23-15772. *See* Fed. R. App. P. 24(a)(4)(B).

4 **IT IS SO ORDERED.**

5 Dated: June 1, 2023

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10 JAMES DONATO
11 United States District Judge
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Northern District of California